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SENATE BILL 275

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING STUDENTS TO CARRY AND
SELF-ADMINISTER ASTHMA MEDICATION AND EMERGENCY ANAPHYLAXIS
MEDICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4.3 NMSA 1978 (being Laws 1986,
Chapter 33, Section 9, as amended) is amended to read:

"22-5-4.3. SCHOOL DISCIPLINE POLICIES-- STUDENTS MAY SELF-
ADMINISTER CERTAIN MEDICATIONS. --

A. Local school boards shall establish student
discipline policies and shall file them with the department [~~of~~
~~education~~]. The local school board shall involve parents,
school personnel and students in the development of these
policies, and public hearings shall be held during the
formulation of these policies in the high school attendance

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1 areas within each school district or on a district-wide basis
2 for those school districts that have no high school.

3 B. Each school district discipline policy shall
4 establish rules of conduct governing areas of student and
5 school activity, detail specific prohibited acts and activities
6 and enumerate possible disciplinary sanctions, which sanctions
7 may include corporal punishment, in-school suspension, school
8 service, suspension or expulsion.

9 C. An individual school within a school district
10 may establish a school discipline policy, provided that
11 parents, school personnel and students are involved in its
12 development and a public hearing is held in the school prior to
13 its adoption. If an individual school adopts a discipline
14 policy in addition to the local school board's school district
15 discipline policy, it shall submit its policy to the local
16 school board for approval.

17 D. No school employee who in good faith reports any
18 known or suspected violation of the school discipline policy or
19 in good faith attempts to enforce the policy shall be held
20 liable for any civil damages as a result of such report or of
21 [~~his~~] the employee's efforts to enforce any part of the policy.

22 E. All public school and school district discipline
23 policies shall allow students to carry and self-administer
24 asthma medication and emergency anaphylaxis medication that has
25 been legally prescribed to the student by a licensed health

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1 care provider under the following conditions:

2 (1) the health care provider has instructed
3 the student in the correct and responsible use of the
4 medication;

5 (2) the student has demonstrated to the health
6 care provider and the school nurse or other school official the
7 skill level necessary to use the medication and any device that
8 is necessary to administer the medication as prescribed;

9 (3) the health care provider formulates a
10 written treatment plan for managing asthma or anaphylaxis
11 episodes of the student and for medication use by the student
12 during school hours or school-sponsored activities, including
13 transit to or from school or school-sponsored activities; and

14 (4) the student's parent has completed and
15 submitted to the school any written documentation required by
16 the school or the school district, including the treatment plan
17 required in Paragraph (3) of this subsection and other
18 documents related to liability.

19 F. The parent of a student who is allowed to carry
20 and self-administer asthma medication and emergency anaphylaxis
21 medication may provide the school with backup medication that
22 shall be kept in a location to which the student has immediate
23 access in the event of an asthma or anaphylaxis emergency.

24 G. Authorized school personnel who in good faith
25 provide a person with backup medication as provided in this

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section shall not be held liable for civil damages as a result
of providing the medication."